

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-cr-102-BO-1

UNITED STATES OF AMERICA)
v.)
JOSE DARWIN FLORES)

ORDER

This cause is before the Court on defendant's motions for free copies of his docket sheet.

The government has responded in opposition, and the motion is ripe for disposition.

Defendant asks the Court for copies of his docket sheet because he wants to file motions and documents, supposedly for his appeal of his judgment. “[T]here is no constitutional requirement that an indigent collaterally attacking a conviction or sentence be supplied with court documents or transcripts at government expense.” *United States v. Anderson*, No. 2:94-CR-163, 1997 U.S. Dist. LEXIS 3567 (E.D. Va. Mar. 14, 1997) (citing *United States v. MacCollom*, 426 U.S. 317, 323–330 (1976)). The circumstances under which the court may provide an indigent criminal defendant a copy of his transcript at the court’s expense are addressed by 28 U.S.C. § 753(f). An indigent defendant must make a showing of a particularized need to obtain a transcript at no cost. *See United States v. Hill*, 34 Fed. App’x 942, 943 (4th Cir. 2002). An indigent defendant may not obtain a free transcript “merely to comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Although an indigent defendant is constitutionally entitled to a free “transcript of prior proceedings when that transcript is needed for an effective defense or appeal,” *Britt v. North Carolina*, 404 U.S. 226, 227 (1971), defendant pleaded guilty and waived his right to appeal his sentence.

Defendant has failed to demonstrate how the copies of the docket sheet he seeks would be relevant to his appeal or any future action and thus does not meet the requirements for a transcript at no cost under section 753(f). Defendant's motion for free copies of his docket sheet [DE 70] is therefore denied.

SO ORDERED, this 21 day of January, 2021.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE